



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,253	03/19/2001	Brad D. Pedersen	1550.37US01	7816

24113 7590 11/30/2004

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER

DURAN, ARTHUR D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,253

Applicant(s)

PEDERSEN, BRAD D.

Examiner

Arthur Duran

Art Unit

3622

MD

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Jeffrey D. Carlson
Patent Examiner

DETAILED ACTION

1. Claims 1-8 have been examined.

Response to Amendment

2. The Amendment filed on 10/1/04 is insufficient to overcome the Gerace reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerace (5,848,396).

Claim 1: Gerace discloses a computer-implemented method of customizing the context of advertisements for communication to users on the Internet comprising:
developing a profile for a given user, the profile including at least archetype identification information for the given user (col 2, lines 15-35; col 20, lines 10-18; Fig. 3b; col 12, lines 25-28; col 19, lines 2-6);
obtaining an advertisement to be displayed for the given user from an advertisement database (Fig. 1; Fig. 2; col 5, lines 22-25);
altering a context of the advertisement based on the archetype identification information in the profile of the given user (col 20, lines 10-18; col 5, lines 19-25); and

Art Unit: 3622

communicating the altered advertisement to the given user (Fig. 1; Fig. 2, col 5, lines 15-25).

Additionally, Gerace further discloses utilizing the Internet (col 3, lines 47-54).

Gerace further discloses that the advertisements have a single content and a single context for that advertisement (col 3, lines 4-10). Note that the advertisement is classified as to its content and classified as to its context (size, shape, color, audio, video, etc).

Gerace further discloses that content and presentation can both be customized (col 5, lines 19-26). Gerace further discloses that presentation details are a distinct factor from content (col 5, lines 23-25). Note that in Fig. 2, as stated at column 5, lines 23-25, that the content comes from Ad Module 75 and that the presentation details for the content come from User Profile Member 73. Also, note that Ad Module 75 has the advertisement related information as well as the advertisement (col 4, lines 43-47). Gerace further discloses that presentation details alone can be customized for a specific user for display to that user (col 2, lines 15-24). Also, note that aggregate information can be advertisements (col 2, lines 60-67).

Again, note that in Gerace the advertisements are stored distinctly with a single content and a single context (col 3, lines 4-11; Fig. 2 item 75), then advertisements can be taken from the Ad Module 75 and presented to the user with customized presentation details taken from User Profile Member 73 (col 5, lines 23-25; Fig. 2) and that only presentation details need be customized for display to the user (col 2, lines 15-24).

Gerace discloses obtaining an advertisement to be displayed to a given user from an advertisement database (Fig. 2).

Claim 2: Gerace discloses the method of claim 1 and further discloses that the profile includes preference information for the given user and wherein the step of obtaining the

Art Unit: 3622

information content is accomplished based at least in part upon the preference information (col 4, lines 30-36; col 6, lines 17-40; col 11, lines 24-56).

Claim 3: Gerace discloses the method of claim 2 and further discloses that the archetype identification information in the profile is developed based on an analysis of a context of interactions of the given user with a website on which the advertisement is to be displayed (col 5, lines 25-40; col 2, lines 15-23; col 6, lines 17-40; col 11, lines 24-56).

Claim 4: Gerace discloses the method of claim 3 and further discloses that the context of interactions of the given user includes timing of responses, patterns of access and response parametrics about how the given user has interacted with the website that is separate from information the given user has supplied to or requested from the website (col 6, line 58- col 7, line 23).

Claim 5: Gerace discloses the method of claim 1 and further discloses that the method is performed by a first server on the Internet and the advertisement database is maintained on a second host on the Internet and wherein the step of obtaining the advertisement is accomplished by requesting the advertisement from the second server (col 3, lines 37-67; Fig. 2; Fig. 3a).

Claim 6: Gerace discloses the method of claim 5 and further discloses that the archetype identification information in the profile is developed based on an analysis of a context of interactions of the given user with the first server (Fig. 1, item 27, program 31; col 4, lines 1-36; Fig. 2).

Claim 7: Gerace discloses the method of claim 6 and further discloses that the context of interactions of the given user includes timing of responses, patterns of access and response parametrics about how the given user has interacted with the first server that is separate from

Art Unit: 3622

information the given user has supplied to or requested from the first server (Fig. 1, item 27, program 31; col 4, lines 1-36; Fig. 2; col 6, line 58- col 7, line 23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (5,848,396).

Claim 8: Gerace discloses the method of claim 1. Gerace further discloses that the context of the advertisement that is altered is selected from the set consisting of color, texture, font, background, pacing or any combination thereof (col 3, lines 4-10; col 2, lines 13-23; col 1, lines 30-35; col 8, lines 62-65; col 12, lines 48-54; col 36, lines 50-54; col 25, lines 15-18; col 7, lines 15-24; col 12, lines 33-42).

Gerace further discloses optimizing the context to attain optimal response (col 2, lines 47-53).

Gerace does not explicitly disclose controlling voice.

However, Gerace discloses controlling audio (col 3, lines 7-10), broadcasting radio (col 36, lines 49-54), and celebrity broadcasters (col 25, lines 15-17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add voice control to the audio control. One would have been motivated to do this in order to provide audio broadcasts in a voice that receives a favorable from a user.

Response to Arguments

5. Applicant's arguments with respect to claims 1-8 have been considered but are not found persuasive.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Please also note that the additional citations added below have also been added to the rejection above.

Gerace further discloses utilizing the Internet (col 3, lines 47-54).

Gerace further discloses that the advertisements have a single content and a single context for that advertisement (col 3, lines 4-10). Note that the advertisement is classified as to its content and classified as to its context (size, shape, color, audio, video, etc).

Gerace further discloses that content and presentation can both be customized (col 5, lines 19-26). Gerace further discloses that presentation details are a distinct factor from content (col 5, lines 23-25). Note that in Fig. 2, as stated at column 5, lines 23-25, that the content comes

from Ad Module 75 and that the presentation details for the content come from User Profile Member 73. Also, note that Ad Module 75 has the advertisement related information as well as the advertisement (col 4, lines 43-47). Gerace further discloses that only presentation details need be customized for a specific user for display to that user (col 2, lines 15-24). Also, note that aggregate information can be advertisements (col 2, lines 60-67).

Again, note that in Gerace the advertisements are stored distinctly with a single content and a single context (col 3, lines 4-11; Fig. 2 item 75), then advertisements can be taken from the Ad Module 75 and presented to the user with customized presentation details taken from User Profile Member 73 (col 5, lines 23-25; Fig. 2) and that only presentation details need be customized for display to the user (col 2, lines 15-24).

Gerace discloses obtaining an advertisement to be displayed to a given user from an advertisement database (Fig. 2).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Dedrick (5,724,521) discloses customizing the context or presentation of advertisements (col 7, line 65-col 8, line 16; Fig. 2).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD

11/17/04

JMD. CA
Jeffrey D. Carlson
Pat. Exam